

From: Charles Duffy
To: Microsoft ATR
Date: 12/17/01 3:23pm
Subject: Microsoft Settlement

Good day. As a free software developer and an employee of a company which deals primarily in software developed through non-commercial means, I'm concerned about the current settlement's implication that only for-profit, commercial entities should have access to Microsoft's APIs. Much software developed not-for-profit has commercial impact or usage; developers of such software should be recognized without the need for a commercial entity to represent their interests.

As an example, the WINE project is a development effort which seeks to build an application programming interface permitting software written for Windows platforms to function on UNIX-based operating systems such as Linux. While WINE presently has commercial backers and has been used in some commercial products (such as CorelDRAW for Linux), for much of its development life its development was run by a loosely affiliated group of developers.

If providing commercial interests with access to interoperability information is in the public good, providing similar access to non-commercial interests is no less so; such open access benefits both personal users and commercial interests which make use of the fruits of such development efforts. For these reasons, I urge that the language recognizing only commercial interests in the proposed settlement be stricken.

Thank you kindly for your consideration.